

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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FIREMAN'S FUND INSURANCE
COMPANY, ONE BEACON INSURANCE
COMPANY, NATIONAL LIABILITY AND
FIRE INSURANCE COMPANY and QBE
MARINE & ENERGY SYNDICATE 1036,

Plaintiffs,

-against-

GREAT AMERICAN INSURANCE
COMPANY OF NEW YORK, MAX
SPECIALTY INSURANCE COMPANY
and SIGNAL INTERNATIONAL, LLC

Defendants.

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ECF Case

10 Civ. 1653 (JPO)

**PLAINTIFFS' AND SIGNAL'S
NOTICE OF JOINT MOTION
FOR PARTIAL SUMMARY
JUDGMENT AGAINST
DEFENDANT GREAT
AMERICAN INSURANCE
COMPANY OF NEW YORK
AS WELL AS SIGNAL'S
NOTICE OF MOTION FOR
PARTIAL SUMMARY
JUDGMENT AGAINST
MAX SPECIALTY
INSURANCE COMPANY**

S I R S :

PLEASE TAKE NOTICE that, on a date and time as may be scheduled by this Court, Plaintiffs Fireman's Fund Insurance Company, One Beacon Insurance Company, National Liability and Fire Insurance Company, QBE Marine & Energy Syndicate 1036 (hereinafter collectively referred to as "Plaintiffs") and Defendant Signal International, LLC ("Signal") will move this Court before the Honorable J. Paul Oetken at the United States Courthouse, 40 Foley Square, New York, New York 10007, for an Order pursuant to Federal Rules of Civil Procedure 56 granting (1) partial summary judgment in favor of Plaintiffs and Signal on their joint motion against Defendant Great American Insurance Company of New York ("Great American") declaring that the Great American pollution policy is not a maritime contract, does not come within the federal court's admiralty jurisdiction and that the federal maritime doctrine of uberrimae fidei does not apply, dismissing Great American's claims and defenses based on the doctrine of uberrimae fidei, and dismissing Great American's claims of

misrepresentation, concealment and/or material non-disclosure, and (2) Signal's motion for partial summary judgment against Max Specialty Insurance Company ("Max Specialty") dismissing Max Specialty's claims of fraud, misrepresentation, concealment and/or material non-disclosure.

This motion is based on the accompanying Local Rule 56.1 Statement of Uncontested Facts, the Affidavit of John A. V. Nicoletti, Esq. and the exhibits thereto, the accompanying Memorandum of Law and on all the pleadings and papers on file and all proceedings heretofore had in this action.

Dated: New York, New York
March 19, 2013

Yours etc.

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